

THIRD SECOND SUBSTITUTE ORDINANCE NO. BL2016-414

An ordinance to amend Title 17 of the Metropolitan Code of Laws, the Zoning Ordinance of The Metropolitan Government of Nashville and Davidson County, by changing from R6 to SP zoning for various properties along Elvira Avenue, ~~Maynor Avenue~~, and Keeling Avenue, approximately 600 feet west of Anderson Place, (4.8656 acres), to permit a maximum of ~~180~~ 72 residential units, all of which is described herein (Proposal No. 2016SP-087-001).

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE METROPOLITAN GOVERNMENT OF NASHVILLE AND DAVIDSON COUNTY:

Section 1. That Title 17 of the Code of Laws of The Metropolitan Government of Nashville and Davidson County, is hereby amended by changing the Official Zoning Map for Metropolitan Nashville and Davidson County, which is made a part of Title 17 by reference, as follows:

By changing from R6 to SP zoning for various properties along Elvira Avenue, ~~Maynor Avenue~~, and Keeling Avenue, approximately 600 feet west of Anderson Place, (5.82 4.56 acres), being Property Parcel Nos. 061-068, and 164 as designated on Map 072-05 and Property Parcel No. ~~046~~ as designated on Map ~~072-06~~ (see attached diagram of included lots) of the Official Property Identification Maps of The Metropolitan Government of Nashville and Davidson County, all of which is described by lines, words and figures on the attached sketch, which is attached to and made a part of this ordinance as though copied herein.

Section 2. Be it further enacted, that the Metropolitan Clerk is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on Map 072 of said Official Zoning Map for Metropolitan Nashville and Davidson County, as set out in Section 1 of this ordinance, and to make notation thereon of reference to the date of passage and approval of this amendatory ordinance.

Section 3. Be it further enacted, that the uses of this SP shall be limited to up to ~~180~~ 72 residential units.

Section 4. Be it further enacted, that the following conditions shall be completed, bonded or satisfied as specifically required:

1. Uses within this SP shall be limited to those permitted by the RM40-A- Zoning District. Short term rental property (STRP) use shall be permitted to the same extent as in the R6 Zoning District.
2. The total number of units shall not exceed a total ~~180~~ 72 units.
3. The maximum FAR shall be 1.0.
4. The maximum ISR shall be 0.75.
5. ~~5% of all units shall be sold at or below 90% AMI.~~
5. ~~6.~~ Residential Units along Elvira Avenue and fronting ~~Maynor~~ Elvira Avenue shall be detached single family homes. ~~or attached townhomes not exceeding 6 units per building footprint. All such units shall be limited to parking off of a rear drive and/or rear entry garages.~~
6. ~~7.~~ Units along Elvira Avenue and ~~Maynor~~ Avenue shall be limited to a maximum of ~~3~~ 2 stories and ~~45~~ 35 feet in height. Units interior to the properties shall be limited to a maximum of ~~4~~ 3 stories and ~~60~~ 45 feet in height.

- ~~8. Units along Elvira cannot exceed 2 stories in 35 feet in height at the front setback. A minimum 5 step back is required, after which a maximum height of 3 stories in 45 feet is allowed.~~
- ~~9. There shall be no driveway or vehicular connection to Maynor Avenue.~~
- ~~10. There shall be a formal public park or greenway located at the terminus of Maynor Avenue partially located within the unused right of way along the existing railway. Said part shall contain a minimum of 10,000 square feet of useable recreation/open space.~~
- ~~11. A walkable greenway shall be constructed connecting Mayor Avenue to the intersection of Elvira and Keeling Avenue. Said greenway to be built to meet ADA standards with enough width for walking and biking~~
- ~~12. A Traffic Access Study shall be completed prior to approval of the final site plan to determine the feasibility of making the intersection of Elvira Avenue and Keeling Avenue a "T" intersection (coinciding with an access to the development) in order to calm traffic, minimize cut thru traffic, and to create an overall safer roadway network. This "T" intersection, if warranted, will be constructed when as directed by the Traffic Access Study.~~
- ~~13. Sidewalks shall be constructed along the entire northern side of Elvira Avenue (minimum 4 foot grass strip and 5 foot sidewalk) from Keeling Avenue to Gallatin Pike if adequate right-of way is present. If adequate right of way is not present, then sidewalks shall only be installed along the site frontage. Sidewalks shall be extended along Keeling Avenue and connect to the existing sidewalk network along the western side of Keeling Avenue.~~
- ~~14. Upon the submittal of a Final SP, a Traffic Study shall be completed to determine street improvements that will be required based upon future traffic flows and improvements based upon safety (street widening)~~
7. ~~15.~~ If a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40-A zoning district as of the date of the applicable request or application.
8. ~~16.~~ The requirements of the Metro Fire Marshal's Office for emergency vehicle access and adequate water supply for fire protection must be met prior to the issuance of any building permits.
9. ~~17.~~ Public water and sewer construction plans, if required, must be submitted and approved prior to Final SP approval. A water and sewer availability request shall be made prior to Final SP submittal with required capacity fees paid prior to Final Site Plan/SP approval.
10. ~~18.~~ Federal Compliance All development within the boundaries of this plan meets the requirements of the Americans with Disabilities Act and the Fair Housing Act. ADA: <http://www.ada.gov/> U.S. Justice Dept.:
11. ~~19.~~ Landscaping and landscape buffers around the site frontage and perimeter shall comply with the Metro Landscape Requirements Chapter 17.24 of the Metro Zoning Code. No buffer shall be less than a standard Class "B" buffer.
12. ~~20.~~ Units facades will be constructed using 80% masonry/concrete products with vinyl being prohibited.

~~21. If determined necessary by Traffic Impact Study, a traffic signal shall be installed at the intersection of Dozier Place and E. Trinity Lane.~~

Section 5. Be it further enacted, a ~~corrected~~ copy of the ~~preliminary~~ proposed Final SP ~~plan~~ incorporating the conditions of approval by Metro Council shall be provided to the Planning Department prior to or with final site plan application.

Section 6. Be it further enacted, minor modifications to the ~~preliminary SP plan~~ attached Site Plan may be approved by the Planning Commission or its designee based upon final architectural, engineering or site design and actual site conditions. All modifications shall be consistent with the principles and further the objectives of the approved plan. Modifications shall not be permitted, except through an ordinance approved by Metro Council that increase the permitted density or floor area, add uses not otherwise permitted, eliminate specific conditions or requirements contained in the plan as adopted through this enacting ordinance, or add vehicular access points not currently present or approved.

Section 7. Be it further enacted, if a development standard, not including permitted uses, is absent from the SP plan and/or Council approval, the property shall be subject to the standards, regulations and requirements of the RM40-A zoning district as of the date of the applicable request or application. Uses are limited as described in the Council ordinance.

Section 8. Be it further enacted, that this ordinance take effect immediately after its passage and such change be published in a newspaper of general circulation, the welfare of The Metropolitan Government of Nashville and Davidson County requiring it.

INTRODUCED BY:

Scott Davis
Member of Council